

Held

November 19,

19 73

SPECIAL MEETING

The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session on Monday, November 19, 1973 at the Centerville Municipal Building in the Council Chambers. The Meeting was opened with the Pledge of Allegiance to the Flag with Mayor Paul Hoy presiding. Councilmen present were as follows: Leonard Stubbs, John Davis, J. V. Stone, John McIntire, City Manager James Smith, City Engineer Karl Schab, Acting Municipal Attorney Robert Hugent, Director of Finance William Bettcher and Clerk of Council Marilyn McLaughlin.

Mr. McIntire moved that Councilmen Charles McQueeney and Russell Sweetman be excused from this Meeting.

Mr. William Ahern, a local Photographer, gave a slide presentation showing Centerville yesterday and today, he reviewed his hopes for the future.

Mr. Mike Kester, representing the Dayton Public Service Union, appeared before Council making reference to the recent firing of a City employee Paul Isaac. He objected to the case of Mr. Isaac not being heard by the Personnel Appeals Board when such had been requested. Mr. Davis moved that Council request that the case concerning this individual be heard by the Personnel Appeals Board. Mr. McIntire seconded the motion. As questioned by Mr. Stone, Mr. Kester advised that Mr. Isaac would be agreeable to his case now being heard by the Personnel Appeals Board. A roll call vote resulted in five ayes in favor of the motion. Mayor Hoy requested that the Personnel Appeals Board be notified of this action by the Clerk of Council. Mr. Russell Frasure, 20 West Ridgeway Road, reviewed his satisfaction with excellent Waste Collection service in Centerville.

Mr. Smith reviewed his City Manager's Report. Mr. Richard Bishop has been hired as Superintendent in the Street Department. Mrs. Judith Manuel has been hired as Superintendent of Taxation to administer the Centerville Income Tax. A full time Janitor has been hired for maintenance of the Municipal Building. A part time typist has also been hired to assist in the Income Tax Department for a period of time.

Mr. Smith advised that the City is advertising for the services of a young officer to inaugurate the first Centerville Police Department Youth Bureau.

The first Meeting between D.P.S.U. and the City of Centerville for Contract negotiations has been set for Tuesday, November 27, 1973 at 4:15 P.M. in the Municipal Building. A Meeting with Council will be forthcoming.

Mr. Farquhar is of the opinion that the City of Centerville is not required to supply free legal services to the Centerville School District. His opinion is based on an Attorney General's opinion concerning Section 3313.35 of the Ohio Revised Code.

Mr. Stubbs complimented Mr. Smith for his efforts relative to obtaining a youth officer for the youth of the Community.

The Public Hearing was held concerning an Appeal filed by Mr. & Mrs. Russell Frasure of a decision of the Board of Architectural Review concerning modifications made to their residence and business at 20 West Ridgeway Road.

The Notice of Public Hearing was read by the Clerk of Council.

Mr. Schab located the subject property on a map and reviewed the requirements of the Board of Architectural Review outlined in their motion of October 9, 1973 relative to this case.

Attorney William Clark, representing the Frasures, explained the improvements made to the subject property from 1966 to date: parking to the

Held

November 19, 1973 continued

19

east side of the property and in front of the building. Mayor Hoy pointed out the fact that the Board's decision was based only on improvements made in 1972. Mr. Clark then explained such improvements: extending the parking in front and covering the concrete slab in the rear with structure. He explained the need for the additional employee parking, and how this parking area has carried the overload for neighboring activities in the evening. This parking is necessary for this business to continue. The Frasures would agree to providing a fence for screening along the west property line extending from the side of the building to the rear, which is in excess of the Board's requirements, provided the property in the front could remain as it is today. They would also agree to placing shrubs along the west property line from the fence to the front property line. Mr. Clark reviewed the cost which the Frasures would encounter to meet the requirements of the Board of Architectural Review. As questioned by Mayor Hoy, Mr. Frasure explained the structure of the before mentioned fence: it will be a six foot high stockade type fence in six foot long sections.

Mr. McIntire questioned the statement made by Mr. Clark "employees of the City aided in drainage construction at the time the City right-of-way was surfaced for parking". Mr. Smith explained the drainage problem which was corrected, drainage problems are solved in the same manner in other areas of the City. Mr. McIntire emphasized the fact that repairs are made whenever and wherever required.

Mr. Paul Harper, 141 Sheldon Drive, explained how each year the residents in the area become more landlocked, this will compound the issue.

Mr. Robert Perkins, 32 West Ridgeway Road, feels that the Board of Architectural Review's decision is fair, they took into consideration many aspects in the City and adjoining neighborhood.

Mr. Stubbs moved that the decision of the Board of Architectural Review be upheld in all parts with the exception that the Frasures be required to construct a six foot high stockade type fence along the west property line as outlined on the Site Plan marked Exhibit "A" and the tree line be established as outlined on the Site Plan marked Exhibit "A", trees to be five feet high and to be of the type as approved by the Board of Architectural Review, they are to extend from the fence to the front right-of-way line. Mr. Stone seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

The Public Hearing was held concerning the Rezoning Request filed by the Brainard Construction Company. A change is requested for one lot on Overbrooke Road from Centerville R-1 to Centerville R-3 classification.

The Notice of Public Hearing was read by the Clerk of Council.

Mr. Winterhalter located this one lot on a map, lot number 979 located on the west side of Overbrooke Road immediately across from the Fox Run Condominium Development and at the City of Kettering barricade; lots to the north are single family.

Mr. Jack Brainard, representing the Developer, explained their reason for the Request; multi-family use is appropriate in consideration of the topo of the land and the barricade in the street.

Mr. Jack Brubaker, Overbrooke Road, suggested that a Rezoning decision not be made by Council until the future of the Kettering barricade has been determined and cul-de-sacs are built. He brought attention to the Petition submitted by residents of the area a few months ago relative to this matter.

Mr. Schindler, representing the Fox Run Condominium Homeowners Association, presented to Council a letter from the Association that consideration be given to adjacent single family zoning.

Mr. Davis moved that the Rezoning case filed by the Brainard Construction Company for lot 979 on Overbrooke Road be denied. Mr. Stubbs seconded the motion. Mr. Brainard requested that the case be tabled until

Held

November 19, 1973 continued

19

a determination on the Kettering barricade has been reached; Mr. Brubaker explained the hardship which this would create for adjacent property owners. A roll call vote resulted in five ayes in favor of the motion.

The Public Hearing concerning Ordinance Number 84-73 was held. Mr. Stone sponsored Ordinance Number 84-73, An Ordinance To Appoint Arthur E. Weeks, Jr. To The Personnel Appeals Board Of The City Of Centerville For The Unexpired Term Of Ronald H. Janetzke, and moved that it be passed. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

City Engineer Karl Schab reviewed on a Plan the Board of Architectural Review's requirements concerning the construction of an Arby's Restaurant on the south east corner of Virginia Avenue and West Franklin Street. Mr. Smith reviewed traffic counts made at this location on November 2 and November 6, 1973. He explained Plan "A" and Plan "B" as proposed by the residents appealing this Boards decision. He outlined his objections to Plan "B", he feels it has a high potential accident rate. Mr. Schab explained a Plan as recommended by the City Manager, the Plan is in accordance with the Board of Architectural Review's decision with the exception that there be one exit and entrance onto Virginia Avenue, the access to West Franklin Street be both exit and entrance. As questioned by Mr. Stone, Mr. Smith sees no unusual traffic problem with traffic turning west onto West Franklin Street from the proposed Restaurant. Parking spaces have been reduced from 39 to 31 on this Plan.

In the absence of Municipal Attorney Robert Farquhar, Attorney Robert Nugent reviewed Mr. Farquhar's opinion that this use would be permitted in the Architectural Preservation District.

Mr. McIntire moved that the decision of the Board of Architectural Review dated August 7, 1973 on the appeal to Council in the case of the application of Arbys for permits to build a restaurant at Franklin Street and Virginia Avenue in the City of Centerville, is hereby affirmed subject to the following modifications: (1) The entry driveway entering from Franklin Street shall be widened sufficiently to permit entry and exit of motor vehicles, (2) The northernmost entry from Virginia Avenue shall be eliminated and the wall and planting shall be extended to cover same and the southernmost drive on Virginia Avenue shall be widened sufficiently to permit entry and exit of motor vehicles, in conformity with the Plan as recommended by the City Manager dated November 19, 1973. Mayor Hoy seconded the motion. Mr. Stubbs expressed his concern with the final decision on this case, he encouraged review of the Ordinance creating the A.P. District, he is also concerned with a potential traffic problem created by this construction. Mr. Davis questions the traffic configuration. A roll call vote resulted in three nays against the motion, Mayor Hoy and Mr. McIntire voted yes.

Following review with Mr. Farquhar, Mr. Nugent advised that resulting from the action on the previous motion, the Appeal failed and the decision of the Board of Architectural Review stands. However, Mayor Hoy requested that the vote and motion be reviewed by Mr. Farquhar and a written legal opinion then be rendered and submitted to the Clerk of Council.

Mr. Schab reviewed his report concerning possible drainage districts in Centerville. He explained how drainage problems are being taken care of as the opportunity arises. Mr. Stubbs suggested that one area be invited to meet with Council for the City to obtain their interest in the establishment of a drainage district in their area. Mr. Schab recommended that the trial area be Village South. Mr. Davis suggested that the cleaning of the ditch be considered for inclusion into the overall plan. A Meeting will be

Held _____ November 19, 1973 continued _____ 19_____

set after January 1, 1974 for people in Village South affected by the ditch, to meet with Council to review the possible establishment of a drainage district, notification of the Meeting will be made by the Clerk of Council in conjunction with the City Engineer.

Clerk of Council Marilyn McLaughlin read a letter addressed to City Council from Mrs. Carol LaGue, 90 Zengel Drive, requesting that lanes be designated on Zengel Drive where it intersects State Route 48. Mr. Smith advised that this matter will be taken care of as soon as possible. Mr. Stubbs suggested that Mrs. LaGue be so notified.

Mrs. McLaughlin read correspondence received from Mr. James Bohman, 7715 John Elwood Drive, making several suggestions for automobile travel improvement in Centerville. Copies of the letter will be distributed to the City Manager and City Engineer.

Mrs. McLaughlin also read a Petition signed by 129 residents of Centerville requesting that the City Beautiful Commission act promptly to restore the sod in the median strip adjacent to State Route 48 between Waterford Drive and Tuxworth Road, that they consider the planting of Flowering Crab Apple Trees in this median strip, and that unlawful parking be prohibited in this median strip after such restoration.

Mr. Nugent reviewed Ordinance Number 85-73 an Ordinance to prohibit jacked-up vehicles on City streets in Centerville. Mr. Stubbs moved that Ordinance Number 85-73, An Ordinance Regulating The Safety Of Motor Vehicles On The Public Streets Of Centerville, be set for Public Hearing on December 3, 1973. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Nugent reviewed Ordinance Number 86-73, it would establish a seven member Parks and Recreation Board and outlines the duties of said Board. Mr. Davis moved that Ordinance Number 86-73, An Ordinance Establishing A Parks And Recreation Board For The City And Assigning The Duties Of Said Board, be set for Public Hearing on December 3, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Mr. Smith reviewed Ordinance Number 87-73, The title "Income Tax Administrator" was changed to "Superintendent of Taxation". Mr. McIntire moved that Ordinance Number 87-73, An Ordinance Amending Ordinance 77-72 By Adding Additional Employees Of The City And Setting Bonding Amounts, be set for Public Hearing on December 3, 1973. Mr. Stubbs seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

Proposed Ordinance Number 88-73 was reviewed by City Manager James Smith. As he recommended the Ordinance was changed to read "Superintendent of Taxation" "\$8320.00 Annually". Mr. Stone moved that Ordinance Number 88-73, An Ordinance Amending Ordinance 82-72 By The Addition Of A Supervisor Of Parks And Recreation, An Assistant Service Director And An Income Tax Administrator And Establishing Salaries, be set for Public Hearing on December 3, 1973. Mr. Davis seconded the motion. A roll call vote resulted in five ayes in favor of the motion.

As the Poll of Council was taken, the following comment was received:

Mr. Stone suggested that the City Manager contact the Washington Township Trustees to find a solution to the traffic problem on Marshall Road at Rahn Road. Mayor Hoy suggested that a formal letter be sent, a

RECORD OF PROCEEDINGS

Minutes of

Meeting

Johnson-Watson • Dayton Blank Book—D-2585

Held November 19, 1973 continued 19

written reply be requested and a reviewed of previous correspondence be made.

There being no further business, the Meeting was adjourned.

Approved:



Mayor

ATTEST:



Clerk of Council